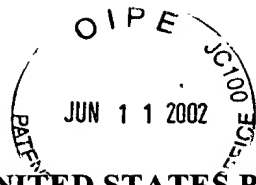


185/02360 .



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Ilan D. HABER, et al.

Serial No : 09/936,074

Group Art Unit: 287

Filed : September 5, 2001

Examiner: Unknown

For : Atmospheric Optical Communication

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**INFORMATION DISCLOSURE STATEMENT**

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

Applicants respectfully direct the attention of the Examiner to art cited with respect to PCT/IL00/00104 of which the current application is a U.S. national application under 35 U.S.C. §371. The present application claims the benefit under §119(a) of U.S. Provisional Application Nos. 60/123,572 and 60/127,331.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP 2001.06, MPEP 1893.03(e) and MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is Form PTO-1449 listing the cited art. Also attached are copies<sup>1</sup> of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent. Applicants wish to point out that items 32, 33, 35 and 41 were cited on the PCT International Search Report. Copies of these items are not attached as they are available in the national stage file.

In accordance with MPEP Section 609 it is requested that each document cited (including any mentioned in Applicants' specification which is not repeated on the attached

<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

PTO-1449 form) be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,  
Ilan D. HABER, et al.



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Paul FENSTER,  
Registration No. 33,877

June 2, 2002  
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375 Park Avenue  
New York, NY 10152-1799

Tel: (212) 521-5400

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ny

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No. 7-5-02  
185/02360

In Re Application Of: **Ilan D. HABER et al.**

JUN 11 2002

Serial No.  
09/936,074

Filing Date  
September 5, 2001

Examiner  
Unknown

Group Art Unit  
2872

Title: **ATMOSPHERIC OPTICAL COMMUNICATION**

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Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

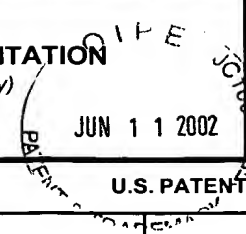
☐ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

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<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				ATTY DOCKET NO. <b>185/02360</b>		SERIAL NO. <b>09/936,074</b>	
				Ilan D. HABER et al. FILING DATE <b>September 5, 2001</b>			



U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	4,960,315	2 Oct '90	KOSTAL, H. et al.			
	2	5,005,937	9 Apr '91	AIDA, K. et al.			
	3	5,068,916	26 Nov '91	HARRISON, C. G. et al.			
	4	5,083,874	28 Jan '92	AIDA, K. et al.			
	5	5,185,814	9 Feb '93	HEALEY, P.			
	6	5,210,631	11 May '93	HUBER, D. R. et al.			
	7	5,264,955	23 Nov '93	SAKANAKA, T. et al.			
	8	5,301,054	5 Apr '94	HUBER, D. R. et al.			
	9	5,331,449	19 Jul '94	HUBER, D. R. et al.			
	10	5,347,387	13 Sep '94	RICE, R. C.			
	11	5,371,734	6 Dec '94	FISCHER, M. A.			

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	12	EP 0 903 876	24 Mar '99	EUROPE				
	13	WO 00/04660	27 Jan '00	PCT				
	14	WO 00/16489	23 Mar '00	PCT				

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>		
	15	NYKOLAK, G. et al.; "4x2.5 Gb/s 4.4 km WDM Free-Space Optical Link at 1550 nm;" February 1999; Lucent Technologies; Post Deadline Proceedings of the Optical Fiber Conference (OFC 99); San Diego; PD11-1 through PD11-3
	16	Copy of Certified Copy of USSN 60/100,632, published on March 23, 2000, MEDVED, D. et al.; "Wireless Optical Communications Without Electronics"

EXAMINER	DATE CONSIDERED
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				ATTY DOCKET NO. <b>185/02360</b>		SERIAL NO. <b>09/936,074</b>	
				ILAN D. HABER et al. FILING DATE <b>September 5, 2001</b>			
<b>U.S. PATENT DOCUMENTS</b>							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	17	5,400,166	21 Mar '95	HUBER, D. R.			
	18	5,416,864	16 May '95	CASSIDY, S. A. et al.			
	19	5,434,426	18 Jul '95	FURUYAMA, H. et al.			
	20	5,443,227	22 Aug '95	HSU, H.			
	21	5,452,124	19 Sep '95	BAKER, P. E.			
	22	5,457,562	10 Oct '95	TREMBLAY, G.			
	23	5,493,436	20 Feb '96	KARASAWA, Y. et al.			
	24	5,519,526	21 May '96	CHUA, P. L. et al.			
	25	5,574,589	12 Nov '96	FEUER, M. D. et al.			
	26	5,587,830	24 Dec '96	CHRAPLYVY, A. R. et al.			
	27	5,596,661	21 Jan '97	HENRY, C. H. et al.			
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
<b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
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September 5, 2001

GROUP  
2872

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	28	5,654,816	5 Aug '97	FISHMAN, D. A.			
	29	5,726,786	10 Mar '98	HERFLINGER, D. G.			
	30	5,748,813	5 May '98	CASSIDY, S. A. et al.			
	31	5,777,768	7 Jul '98	KOREVAAR, E.			
	32	5,786,923	28 Jul '98	DOUCET, M. A. et al.			
	33	5,818,619	6 Oct '98	MEDVED, D. et al.			
	34	5,844,705	1 Dec '98	RUTLEDGE, C. L.			
	35	5,859,725	12 Jan '99	SUGIYA, H. et al.			
	36	5,917,629	29 Jun '99	HORTENSIUS, P. D. et al.			
	37	5,946,120	31 Aug '99	CHEN, H. Z.			
	38	5,966,229	12 Oct '99	DODLEY, J. P. et al.			

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

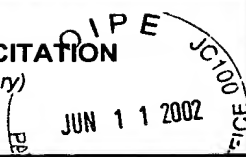

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	39	5,974,074	26 Oct '99	MAYOR, J. et al.			
	40	5,978,121	2 Nov '99	FISCHER, E. et al.			
	41	5,983,068	9 Nov '99	TOMICH, J. L. et al.			
	42	5,986,790	16 Nov '99	OTA, T. et al.			
	43	5,991,062	23 Nov '99	FISCHER, E. et al.			
	44	6,122,084	19 Sep '00	BRITZ, D. M. et al.			
	45	6,154,297	28 Nov '00	JAVITT, J. I. et al.			
	46	6,191,878	20 Feb '01	SPIVEY, B. et al.			
	47	6,239,888	29 May '01	WILLEBRAND, H.			

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


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